

MAY 02 2006

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

1. RAUL S. ZAVALA  
2. 1100 W. MAIN  
3. SPOKANE, WA. 99260

4.  
5. UNITED STATES OF AMERICA  
6. FOR THE  
7. EASTERN DISTRICT OF WASHINGTON

8.  
9. RAUL S. ZAVALA  
10. MOVANT,  
11. V.

12. UNITED STATES OF AMERICA  
13. RESPONDENT

CASE NUMBER:  
CR-05-105-LRS

AFFIDAVIT  
OF BIAS

14.  
15.  
16. MOVANT'S AFFIDAVIT OF BIAS:

17.  
18. MOVANT, RAUL S. ZAVALA, RESPECTFULLY REQUESTS  
19.  
20. AND SEEKS REVIEW FROM A JUDGE OTHER THAN  
21. THE TRIAL JUDGE, HONORABLE JUDGE SUKO, RULE  
22. ON THE MOVANT'S, RAUL S. ZAVALA, 2255 MOTION.  
23.  
24.  
25.  
26.  
27.  
28.

1. MOVANT RESPECTFULLY MAKES THIS REQUEST  
2.  
3. PURSUANT TO HALLIDAY V. UNITED STATES,  
4.  
5. 380 F.2d 270 (1st Cir. 1967), AND DUE TO  
6.  
7. THE FOLLOWING CIRCUMSTANCES:

8.  
9. 1. MOVANT'S HEARINGS AND TRIAL PROCEEDINGS  
10.  
11. GAVE RISE TO EXTENSIVE OBJECTIONS AND POTENTIAL  
12.  
13. OBJECTIONAL ISSUES.

14.  
15. 2. THE PRESENCE OF TAINTED TESTIMONY, FALSE  
16.  
17. STATEMENTS, PERJURY, PRESENTATION OF FALSE EVIDENCE  
18.  
19. TO THE COURT AND JURY, MISSING EVIDENCE, MANIPULATED  
20.  
21. EVIDENCE AND AN UNRELIABLE CI CAUGHT LYING UNDER  
22.  
23. OATH WAS EXPERIENCED DURING MOVANT'S PROCEEDINGS.

24.  
25. 3. THE UNLAWFUL ACTS OF THE PROSECUTOR AGENTS,  
26.  
27.

1. AND OTHER WITNESSES THAT WERE DETRIMENTAL  
2.  
3. TO THE FAIR ADMINISTRATION OF JUSTICE EXPERIENCED.

4. THE HONORABLE COURT'S FAILURE TO PROTECT  
5.  
6. THE JUDICIAL SYSTEM FROM THE UNUSUAL PROCESSES  
7.  
8. TO WHICH WE ARE NOT ACCUSTOMED IN AMERICAN COURTS.  
9.

10. 5. MOVANT'S DENIAL OF HIS BASIC AND OR  
11.  
12. FUNDAMENTAL PROCEDURAL RIGHTS BY THE  
13.  
14. HONORABLE COURT.  
15.

16. 6. TESTIMONY OF GOVERNMENT AGENTS  
17.  
18. WAS WRONGLY INTERPRETED BY THE HONORABLE  
19.  
20. COURT.  
21.

22. 7. HAVING EXPERIENCED THE FOREGOING EVENTS  
23.  
24. THE HONORABLE COURT SET ASIDE ITS DUTY TO  
25.

1 IMPLEMENT ADEQUATE CORRECTIVE ACTION  
2  
3 DURING THE PRESENCE OF THE RAW MISCARRIAGE  
4  
5 OF JUSTICE BEING DISPLAYED BEFORE THE  
6  
7 HONORABLE COURT.

8 8. THE NON-EXERCISE OF THE HONORABLE COURTS  
9  
10 JUDICIAL POWER IN THE PRESENCE OF AN  
11  
12 ARGUABLY LEGITIMATE BASIS WAS HIGHLY  
13  
14 PREJUDICIAL TO THE MOVANT.

15  
16 DUE TO THE FOREGOING CIRCUMSTANCES MOVANT'S  
17  
18 RESPECTFUL REQUEST TO THE HONORABLE COURT  
19  
20 SHOULD BE GRANTED.

21  
22 I DECLARE THE FOREGOING TO BE TRUE AND  
23  
24 CORRECT UNDER THE PENALTY OF PERJURY.

25  
26 4/18/2006  
27 EXECUTED

28  
29 Raul S. Zavala  
30 RAUL S. ZAVALA  
MOVANT

U.S. Department of Justice  
Drug Enforcement Administration

## REPORT OF INVESTIGATION

Page 1 of 5

1. Program Code	2. Cross File	Related Files	3. File No.	4. G-DEP Identifier
5. By: TFO Jack Rosenthal At: Spokane RO	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		[REDACTED]	[REDACTED]
7. <input type="checkbox"/> Closed <input type="checkbox"/> Requested Action Completed <input type="checkbox"/> Action Requested By:			6. File Title [REDACTED]	
9. Other Officers: S/A Tom Sullivan, TFO, TFO Joe Pence, TFO Jay McNall, TFO Jay Mehring,			8. Date Prepared 04/29/05	
10. Report Re: Surveillance of buy/bust and Acq of EX1500. EX1501, N1500 and N1501 on 04/28/2005				

SYNOPSIS

1. On April 28<sup>th</sup>, 2005 members of the Spokane Resident Office (SRO) conducted a buy/bust operation for approximately two pounds of methamphetamine from Raul ZAVALA.

DETAILS

1. On April 28th, 2005 the Spokane RO utilizing a cooperating source, hereafter referred to as CS, placed a telephone call to telephone number 509-217-2220. (The CS had been identified by the case agent TFO Joe Pence. The CS had not been issued a control number at the time of the controlled event.) According to the CS this telephone is being used by "Raul" who was later identified as Raul S. ZAVALA.
2. The CS indicated to TFO Pence that he/she has met with ZAVALA approximately five times and had purchased about two pounds of methamphetamine on each occasion from ZAVALA. The CS indicated that he/she has conducted these purchases in public parking lots and other locations.
3. The CS said that ZAVALA drives a pearl white Cadillac Escalade with "spinners" or spinning wheel rims. The CS told TFO Pence that ZAVALA most likely would be driving the pearl white Cadillac Escalade at the time of anticipated delivery of methamphetamine.

11. Distribution: Division SEATTLE	12. Signature (Agent) TFO Jack Rosenthal	13. Date
District Spokane RO	14. Approved (Name and Title) Ken DeMello GS/SGT	15. Date
Other		

DEA Form - 6  
(Jul. 1996)

DEA SENSITIVE  
Drug Enforcement Administration

Err: Surveillance of buy/bust and Acq of EX1500, EX1501, N1500 and N1501 on  
04/28/2005

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Previous edition dated 8/94 may be used.

U.S. v. Raul Zavala

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